

Physicians for  
Human Rights

August 2016

Baseline Characteristics of  
Households Facing  
Relocation in the Thilawa  
Special Economic Zone



# About PHR

For 30 years, Physicians for Human Rights (PHR) has used science and medicine to document and call attention to mass atrocities and severe human rights violations.

PHR is a global organization founded on the idea that health professionals, with their specialized skills, ethical duties, and credible voices, are uniquely positioned to stop human rights violations.

PHR's investigations and expertise are used to advocate for persecuted health workers and medical facilities under attack, prevent torture, document mass atrocities, and hold those who violate human rights accountable.

# Introduction

The purpose of this research is to gather data that describes the basic living situation of villagers who will be displaced by phase two of the Thilawa Special Economic Zone (SEZ), a 2,000–hectare (ha) industrial development site located 23 kilometers south of Yangon (formerly known as Rangoon) in Myanmar.<sup>1</sup> This data can serve as a baseline for evaluating the situation of displaced communities in this area, with a view to determining the extent to which the resettlement adheres to international standards.

The findings are intended to inform consultations between villagers and the SEZ Management Committee and ensure that both due process and substantive protections are maintained during the eventual relocation process. As such, the results are analyzed with reference to several sets of guidelines on relocation used by the UN, the Myanmar government, and the Japan International Cooperation Agency (JICA), which is financing part of the project. These guidelines are designed to ensure that relocations do not fail to comply both procedurally and substantively with international standards that would result in the relocation being deemed a forced eviction, which is a human rights violation.

This data was generated by a household survey completed in March 2016, which was done with random sampling so that results can be generalized to all households located in the 2,000–ha area. The survey was designed to generate baseline data on land use, livelihoods, and food security.

This work was done as a collaborative project among Physicians for Human Rights (PHR), Earth Rights International (ERI), Thilawa Social Development Group (TSDG), and Shwe Hmaw Wun Kyauk Tan Regional Development Organization.

## **Key Recommendations to the Myanmar Government to be implemented with support from JICA:**

In order to comply with international standards on evictions, the government of Myanmar should:

- Conduct a comprehensive assessment of the communities facing relocation to determine the impact of being relocated and address what measures the government will take to ensure that those relocated are not harmed.
- Publish all such assessments and make them available to the impacted community in a timely and accessible manner.
- Provide community residents facing relocation an explanation regarding alternative sites that the government assessed and why they were dismissed.
- Design a consultative process with members of the impacted community to ensure that those facing relocation are confident in the integrity of the process and feel safe from threats, harassment, or coercion by government officials.
- Distribute information about the rights of those facing relocation in a timely and accessible manner.
- In determining land ownership during the consultation process, the government should recognize both official documents and also other evidence of use to determine ownership. Additionally, the government should survey use of private and public land in determining appropriate relocation and compensation.
- Assess how to fund and support compensation processes that ensure people being relocated are able to maintain livelihoods and household food production without a break and to prevent short- and long-term food insecurity.
- Establish a complaint mechanism which is accessible and responsive to the people facing relocation or already relocated.
- Conduct surveys of those displaced at regular intervals after their relocation to assess if there has been any negative impact from the displacement which has left people in a worse situation. If there is such a finding, the government should take immediate action to remedy the situation.

# Background

The port of Thilawa has been operating for decades in Thanlyin township, located on the Yangon River approximately 23 kilometers south of Yangon. The Myanmar government confiscated land around the port in 1983, 1993, 1996, 1997, 1998, and 2007 to make space for industrial sites, and in 2014 reaffirmed that the area was a Special Economic Zone (SEZ), which created tax breaks for foreign companies investing there.<sup>2</sup>

At the end of 2012, the governments of Japan and Myanmar signed a memorandum of agreement to develop the Thilawa SEZ, and the Japanese government pledged a ¥ 50 billion (\$500 million) loan to start the project.<sup>3</sup> The Japan International Cooperation Agency (JICA), an independent governmental agency coordinating Japan's development assistance programs with other countries, represents the Japanese government in the Thilawa project. The agreement joined Myanmar Japan Thilawa Development, Ltd. (MJTD) with JICA and three Japanese firms: Mitsubishi, Sumitomo, and Marubeni Corporations. The Japanese companies control 49 percent of MJTD, and the remaining 51 percent is controlled by the Thilawa SEZ Management Committee (TSEZMC), the Burmese government agency formed specifically to oversee development of the Thilawa SEZ, and Myanmar Thilawa SEZ Holdings Public Ltd. (MTSH), a consortium of nine Burmese companies.<sup>4</sup>

MJTD plans to develop farmland around the port, with a focus on producing clothing, cars, and other manufactured items.<sup>5</sup> MTSH projects \$53.3 million in profit by 2018.<sup>6</sup> The Myanmar Investment Commission, a government body that regulates foreign investment, said the SEZ would create 200,000 jobs.<sup>7</sup>

The project is divided into multiple phases: phase one, which began in 2013, includes the development of a 400-ha area including parts of Alwan Sot and Thilawa Kone Tan villages. The next phases will develop 2,000 hectares on nearby farmlands. Developing the farmland required the displacement of 68 households during phase one and will require the displacement of an additional 995 households (3,829 people) in next phases.<sup>8</sup>

Research projects done by ERI, PHR, and TSDG in 2014 documented the impacts of the displacement on the 68 households displaced in phase one with a household survey of 29 of 37 households that had not moved away from the SEZ relocation site.<sup>9</sup> The research found that the displacement process fell significantly short of meeting international guidelines, most notably because the residents felt threatened by the government with lawsuits and imprisonment if they did not move. Furthermore, the compensation allotted to displaced persons was insufficient for them to maintain their livelihoods. While monetary compensation was given for crops, animals, and houses, farmers who lost their land were not provided with other means or training to successfully earn a living. People who worked in nearby industries had to leave their jobs because the commute from the more isolated relocation site was prohibitively expensive. The average household income dropped by 78 percent after relocation. All but three households reported not having enough money to meet their needs, and all but six households reported borrowing money to meet their needs. Twenty-eight percent of households surveyed reported higher levels of household hunger after displacement than before and 13.6 percent of children surveyed suffered from mild malnutrition. The number of households reporting that someone was sick but not able to get treatment more than doubled from seven before displacement to 16 after displacement. The combination of severely diminished income, increasing food insecurity, and limits on access to healthcare created a precarious situation for displaced residents. In 2015, the SEZ Management Committee formed a Multi-Stakeholder Advisory Group (MSAG) that includes groups representing affected villagers, NGOs, Thilawa SEZ MC, MJTD, and JICA, that meets quarterly to discuss problems. Although this is a mechanism for addressing problems, there could be other grievance mechanisms in which the urgent problems could be addressed in a more timely manner.

Forced eviction of the remaining 995 households in the 2,000-ha development site is imminent. In order to apply lessons learned from the first relocation and to prevent impacts on households' economies and food security, PHR, ERI, TSDG, and Shwe Hmaw Wun Kyauk Tan Regional Development Organization conducted a baseline survey on living conditions, livelihoods, and perceptions of the consultation process to date. We hope the data will inform the eviction process and prevent the negative impacts documented with the first group of relocated households.

# Guidelines on Evictions

The data in this report should be analyzed in the context of international guidelines on evictions. These guidelines acknowledge that states are permitted to displace populations, for the benefit of society, as long as certain requirements – listed in detail below – are fulfilled. The data collected in Thilawa, presented in the context of guidelines for evictions, should help to identify what is needed in terms of consultation, transparency, and compensation for individuals and the community as a whole in order to be lawful. The data will also give a baseline on food security and livelihoods that can inform future assessments to determine if people are worse off after displacement.

Both the state of Myanmar and JICA have specific responsibilities with regard to protecting communities impacted by evictions and involuntary resettlement.

These obligations are defined under domestic laws, as well as in international legal instruments that the government has agreed to adhere to. The obligation of states to refrain from and protect against forced evictions is included in several international legal instruments: the Universal Declaration of Human Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Convention on the Elimination of all Forms of Discrimination against Women; and the International Convention on the Elimination of All Forms of Racial Discrimination.<sup>10</sup> The government of Myanmar has ratified the Convention on the Rights of the Child as well as the Convention on the Elimination of All Forms of Discrimination against Women, which place binding obligations on the government.<sup>11</sup> The two major international legal frameworks relating to evictions and displacements are the Guiding Principles on Internally Displaced Persons (Guiding Principles)<sup>12</sup> and the Basic Principles and Guidelines on Development-based Evictions and Displacement (Basic Principles and Guidelines).<sup>13</sup>

As an investor, JICA has responsibilities under its own Guidelines for Environmental and Social Considerations.<sup>14</sup> JICA has also stated that its projects should not deviate significantly from World Bank's Safeguard Policies;<sup>15</sup> the resettlement action plan for Thilawa also mentions following Asian Development Bank (ADB) best practices policy for forced relocations.<sup>16</sup>

Under both the international instruments and the lender guidelines, the common understanding is that eviction and resettlement should be avoided where possible, and if it is unavoidable, the impacted people must be better off, or at least not worse off, than before being evicted.<sup>17</sup> This may involve financial compensation, replacement land, vocational training, or other equitable measures to bring the impacted people back to their standard of livelihood, or better.

Myanmar has yet to adopt official guidelines for evictions; relocations are discussed in the national land use policy but this has not yet been enacted into law.<sup>18</sup> Therefore this report frames the situation in Thilawa in terms of several guiding policies: Myanmar law, UN Guiding Principles, JICA Guidelines, World Bank's Safeguard Policies, and ADB's Safeguard Policies.

For more information on the history and scope of the Thilawa Special Economic Zone, please see Annex B.

# Methodology, Results, and Discussion

Surveyors approached 193 households in six villages (see methods section below for sample size calculations). Surveyors skipped one section (20 households) of one village because the community-based partners had no presence there. The 20 households skipped represent 10.4 percent of the entire sample. These households were not replaced by further sampling. Surveyors approached 173 households in the four villages that were determined to be safe, and 172 households consented to participate. This represented 745 people and can be generalized to 3,779 people living in the six villages in the 2,000-ha development site.

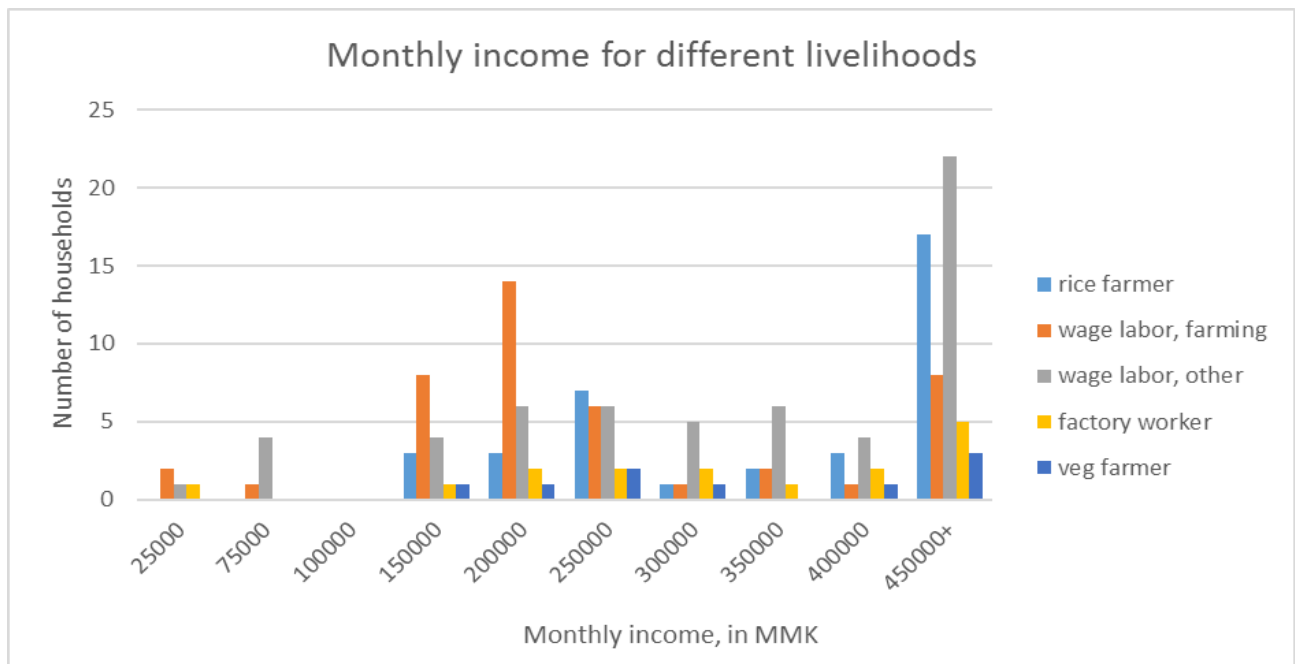
## Demographics

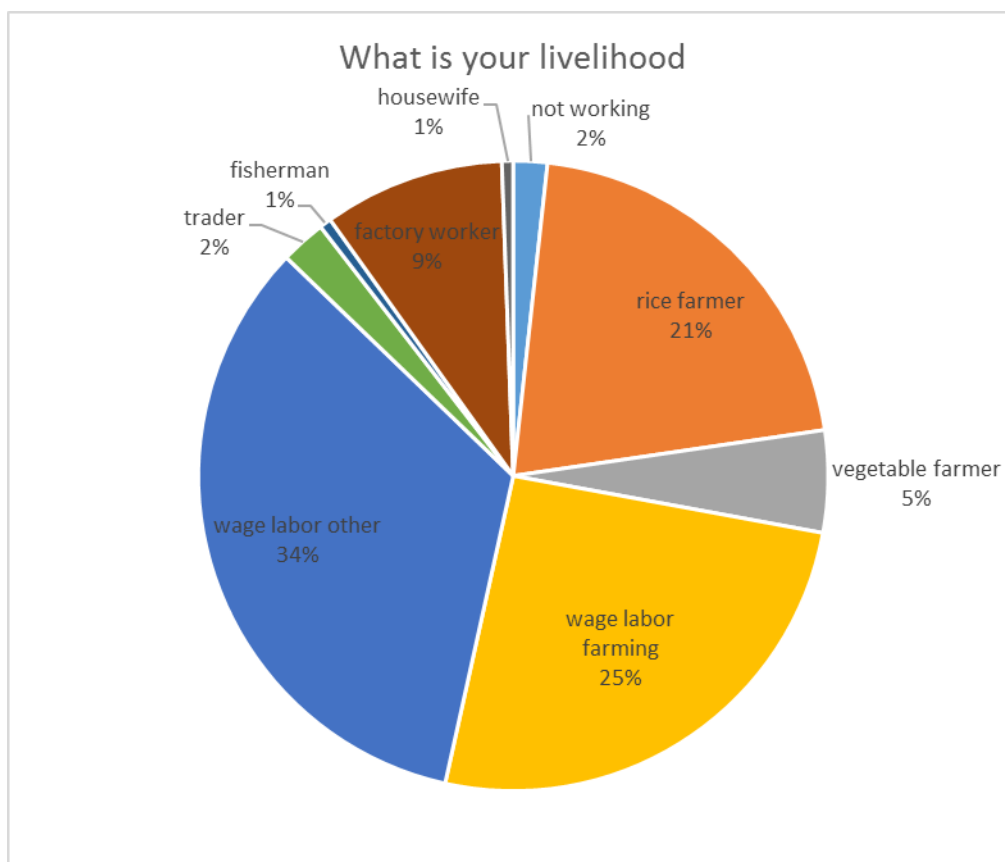
The sample size included 745 people, 50.2 percent of whom were female. Ages ranged from less than one year to 88 years, including 70 children under five years of age. Average household size was 4.9 people.

## Income and livelihoods

Under the Basic Principles and Guidelines, “comprehensive and holistic impact assessments should be carried out prior to the initiation of any project that could result in development-based eviction and displacement.”<sup>19</sup> JICA Guidelines require borrowers to assess various social impacts, including migration of population and involuntary resettlement, local economy such as employment and livelihood, and utilization of land and local resources.<sup>20</sup> The borrower’s Resettlement Action Plan (RAP) should include elements of the World Bank Safeguard Policy, OP 4.12, Annex A.<sup>21</sup>

Most households surveyed depended on land for their livelihood: just over half reported rice farming, vegetable farming, or working on a farm as their main livelihood. Nearly 10 percent of households reported that they earned money from factory work and 33 percent said they did “other” types of wage labor. The average income was at least 300,000 Myanmar kyats per month; on the income question, 32 percent of households checked “more than 450,000 MMK per month,” and thus the real average is likely much higher. About three percent of households were below the poverty line for Myanmar. As shown in the figure below, households that said their jobs were wage laborers and rice farmers tended to have higher incomes than households that had other sources of income.





The Guiding Principles state that those who are relocated should never be worse off after relocation than before. They further state that any resettlement plan should allocate sufficient resources to ensure those who are impacted are fairly compensated and should benefit from the development process on a sustainable basis and those benefiting from the development project that is causing the relocation should pay the full costs of the relocation process, including socio-economic rehabilitation. This has particular resonance for those who lose land that was their source of income and food security.<sup>22</sup>

Under the Basic Principles and Guidelines, if eviction is unavoidable, then “the State must make provision for the adoption of all appropriate measures, to the maximum of its available resources, especially for those who are unable to provide for themselves, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available and provided.”<sup>23</sup> Compensation, or “other forms of just reparation”<sup>24</sup> should be provided for “any economically assessable damage.”<sup>25</sup> “Cash compensation should under no circumstances replace real compensation in the form of land and common property resources. Where land has been taken, the evicted should be compensated with land commensurate in quality, size and value, or better.”<sup>26</sup>

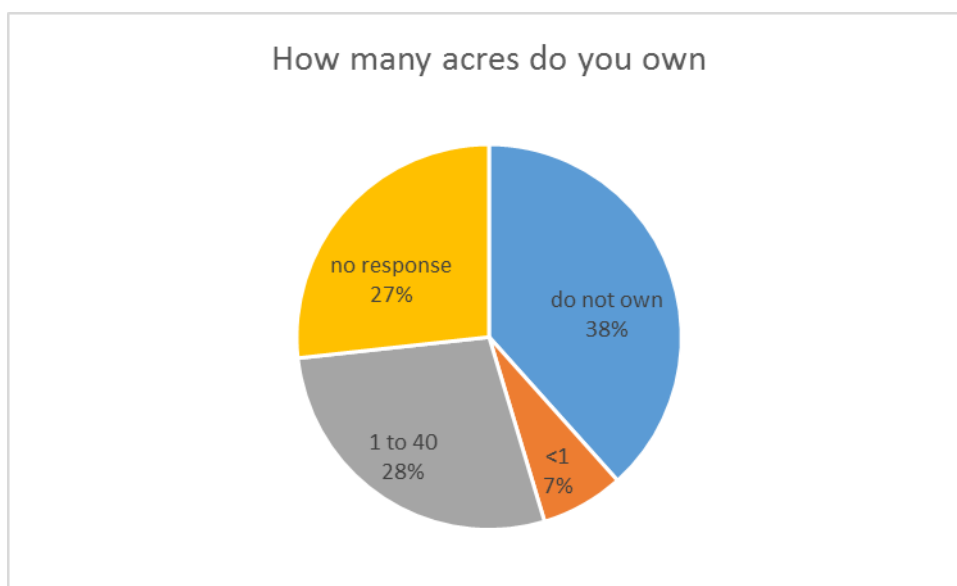
Under JICA’s Guidelines, if resettlement must occur, “people who must be resettled involuntarily and people whose means of livelihood will be hindered or lost must be **sufficiently compensated** and supported by project proponents etc. in a timely manner. Prior compensation, at **full replacement cost**, must be provided as much as possible.”<sup>27</sup> The ADB’s Safeguard Requirements state, “the rate of compensation for acquired housing, land and other assets will be calculated at **full replacement costs**.”<sup>28</sup> In assessing these measures, replacement land should be considered for project-affected persons (PAPs) with land-based livelihood,<sup>29</sup> and the compensation should reflect the cultural preferences of the PAPs.<sup>30</sup> In scores of evictions across Myanmar, including one in Thilawa in 2014, evicted people are not compensated properly for their land. The data above, as well as data from UNDP surveys, demonstrates that land is a key component in rural Myanmar people’s livelihoods. The consultation process should include assessing if people want to continue farming or not, and if they do, then land should be part of the compensation package.



## Land use

As reflected above, the Basic Principles and Guidelines indicate that the type of compensation should depend on the land use patterns of the PAPs. Similarly, in addition to baseline studies looking at livelihoods, both JICA and the World Bank require assessing the impact on land use. JICA includes “utilization of land and local resources” in its scope of impacts to assess,<sup>31</sup> and WB OP 4.12’s Annex A advises that the Resettlement Action Plan include in its socioeconomic studies, “(i) land tenure and transfer systems, **including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas)** governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area.”<sup>32</sup> The ADB requires looking at both loss of land itself and loss of land use when assessing adverse economic impacts.<sup>33</sup>

Thirty-five percent of households said they owned land, and 28 percent owned more than one acre. A high percentage (27 percent) of respondents did not answer this question. This low response is likely due to villagers’ confusion over ownership. Community members said that the government regularly tells them that the government owns the land. It is difficult for the farmers to decide whether they own their land or not – even if they are currently working on the land – because of confusion around the confiscations in 1996 and 1997. During that time, the government took land without following due process requirements but allowed people to continue farming on it for a fee.



Of the households that owned land, 43 percent said they did not have ownership documents, while 11 percent had tax receipts, five percent had sale contracts, five percent had receipts for agriculture loans, and 52 percent said they had “other documents,” – having a house on the land, being on a village household list, and having other types of land, farm, and water tax receipts.

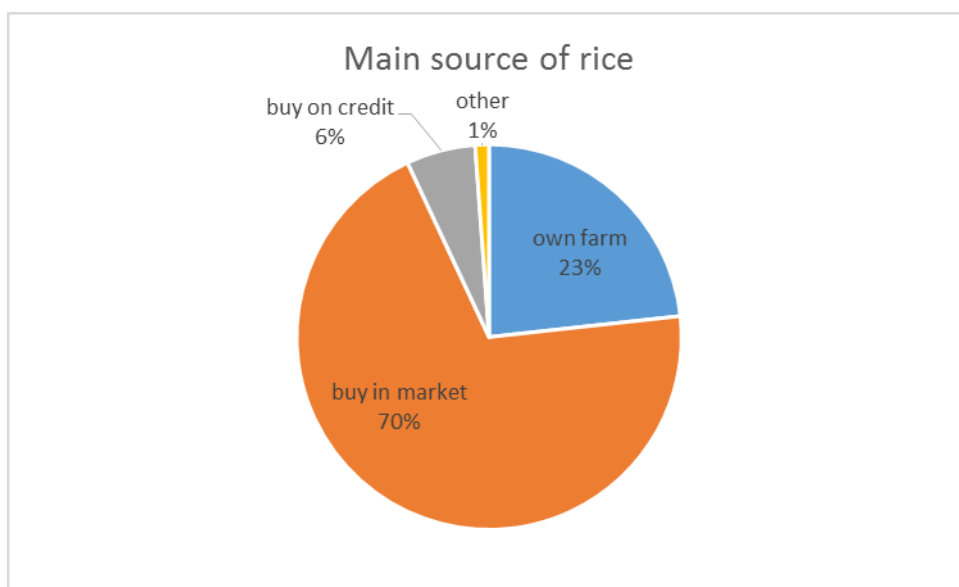
Forty-five percent of households said their land had been confiscated before; most of these said the township authorities took their land in 1996.<sup>34</sup> Of the households whose land had been confiscated previously, 27 percent said they were still paying taxes on the land but only 10 percent said they had the tax documents.

Households used communal land in the village in addition to privately-owned land for raising livestock and for agricultural purposes. Sixty-nine households (40 percent of the total) said they used common land for income-generating activities. Of these households, most said they used common land for raising livestock, and the remainder said they used common land for growing crops, fishing, or to produce other sources of income. Of these 69 households, 26 (37 percent, or 15 percent of the total 172 households) did not own their own land and relied only on communal land.

The data above highlights the confusing system of land ownership in Myanmar. A system of ownership largely based on long-term occupation and use rather than deed, exacerbated by apparently unlawful confiscations in the past, has left many households not knowing their status as landowners and without security of tenure. This insecurity persists even though some people are still paying tax on the confiscated land, and although land-owning households have owned their land for an average of 50 years. Consistent with ownership not being deed-based, 43 percent of households said they did not have any ownership documents.

### Food security

About one quarter of households reported that their main source of rice was their own farm; nearly 70 percent of households reported that they bought rice in the market.



PHR used the Household Hunger Scale (HHS), a tool used by development agencies to assess households' access to food. The HHS results are measured in three categories: mild, moderate, or severe food insecurity. The levels of food insecurity PHR measured in the 2,000-ha site in Thilawa can be contextualized by comparing them with results from surveys published by the World Food Programme (WFP) in Myanmar's coastal areas, Save the Children International (SCI) in the central part of Myanmar, and the Livelihoods and Food Security Trust Fund (LIFT) survey. Additionally, previous PHR surveys with households displaced in 2014 in the 400-ha development site at Thilawa and at Paunglaung dam in Shan state can provide context. The 2012 LIFT household survey evaluated 252 villages in four different geographical zones in Myanmar. Although the LIFT data does not represent national averages, it is - to date - the best approximation of national-level data for food security and livelihoods.

Household hunger in the 2,000-ha site in Thilawa is similar to the national estimate from the LIFT survey, as well as estimates by surveys done by SCI and pre-displacement estimates by PHR in other locations around the country.

Household hunger in different regions of Myanmar <sup>35</sup>				
		Level of household hunger		
Survey	Date	Low	Moderate	Severe
Thilawa 2,000 hectares	2016	93%	6%	1%
SCI dry zone	2014	98%	2%	0%
MM estimate-LIFT	2012	94%	5%	1%
Paunglaung dam before displacement	2015	96%	3%	1%
Paunglaung dam after displacement	2015	63%	31%	6%
Thilawa 400 hectares before displacement	2014	97%	0%	3%
Thilawa 400 hectares after displacement	2014	69%	14%	17%

### Living conditions and access to social services

Under the Basic Guidelines and Principles, the right to resettlement includes the right to “cultural adequacy, suitability of location, and access to essential services such as health and education.”<sup>36</sup> JICA Guidelines include assessing the impacts on “existing social infrastructures and services.”<sup>37</sup> The socioeconomic studies discussed in WB OP 4.12 Annex A also include looking at baseline studies of the PAPs’s standard of living, impacts on access to public infrastructure and social services, and social and cultural characteristics of displaced communities.<sup>38</sup> The ADB states that resettlement assistance should include providing relocation to a site with comparable access to civic infrastructure and community services.<sup>39</sup> PHR’s survey collected data on access to water, schools, and health care clinics.

### Water

Households’ main sources of water were wells, lakes, and boreholes, and for nearly all households this source was within a 10–minute walk. The average household estimated that they used 300 liters of water per day, and all households had access to more than the humanitarian minimum standard of three liters per person per day.

Main source of water		
	% of households reporting	
	Dry season	Rainy season
Well	42.4%	32.0%
Rainwater	34.3%	36.1%
River/stream/lake	11.6%	23.3%
Borehole/pump	3.5%	5.8%
Pipe	2.3%	0.0%
Purchased	5.2%	0.6%
Other	0.6%	2.3%

Distance to water source		
	% of households reporting	
Minutes walking	Dry season	Rainy season
0 to 10 min	84.3%	92.4%
More than 10 min	14.5%	4.1%
Missing	1.2%	3.5%

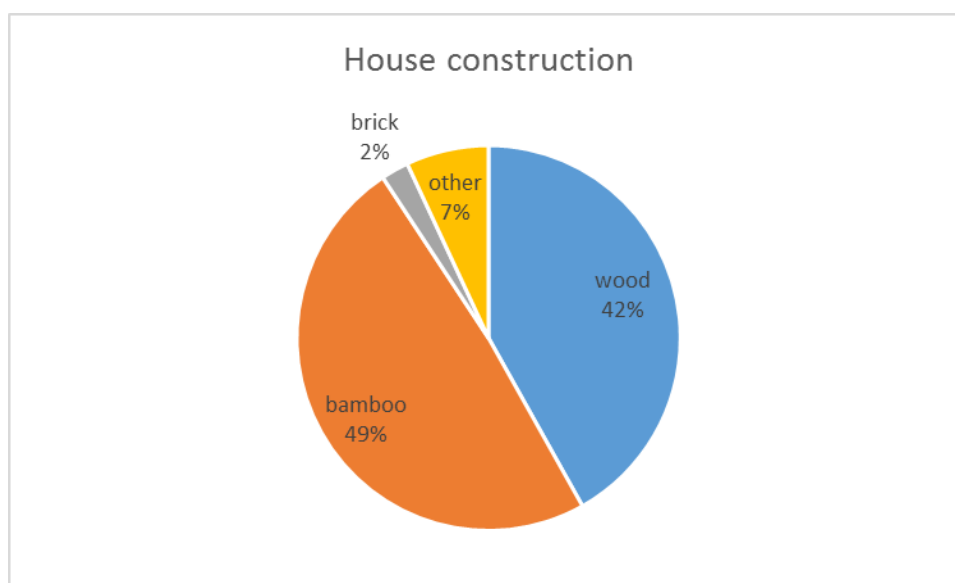
## Education and Health Care

Government education services were within a 30-minute walk for most households, and government clinics were slightly farther, with most households needing to travel more than 60 minutes on foot to reach the clinic.

Distance to schools and clinics		
% of households reporting		
Minutes walking	School	Clinic
0 to 30 min	51.2%	20.4%
30 to 60 min		15.7%
	36.1%	
More than 60 min	11.6%	63.9%
Missing	1.2%	0.0%

## Adequacy of shelter

Houses were of typical Myanmar construction of wood, brick, bamboo, and other materials. Each material is associated with different levels of strength and adequacy.



## The consultation process

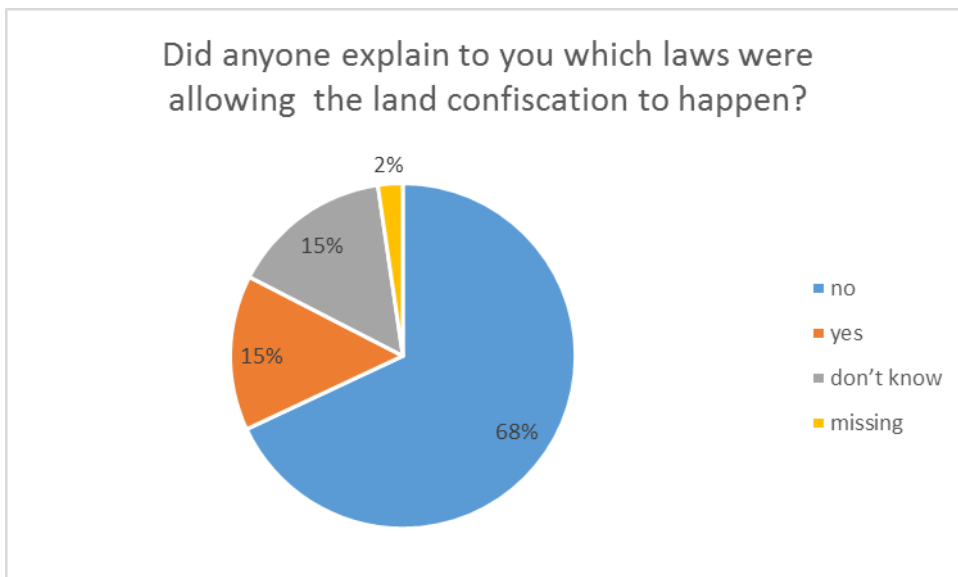
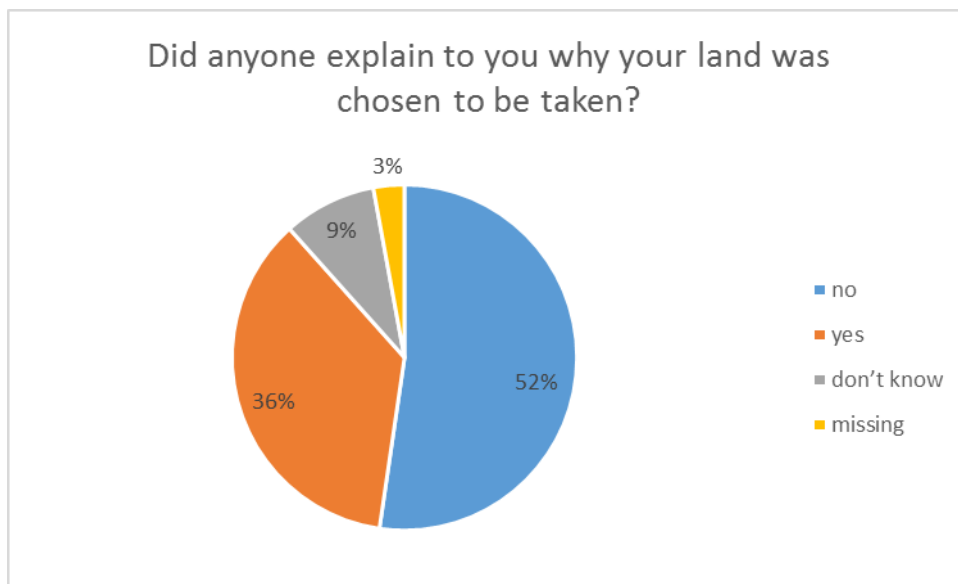
The Basic Guidelines and Principles instruct states to ensure adequate consultation with those who may be affected.<sup>40</sup> JICA Guidelines also require consultation when large-scale resettlement will occur.<sup>41</sup> These consultations "must be held with the affected people and their communities based on sufficient information made available to them in advance. When consultations are held, explanations must be given in a form, manner, and language that are understandable to the affected people."<sup>42</sup> Both the World Bank and the ADB also require meaningful consultation with the affected community, and offer details of what it should look like.<sup>43</sup>

The current Thilawa SEZ project has been planned since 2012 and the first village was relocated in 2013. Consultations on relocations have been difficult in Myanmar because there has been no standard policy or trainings for

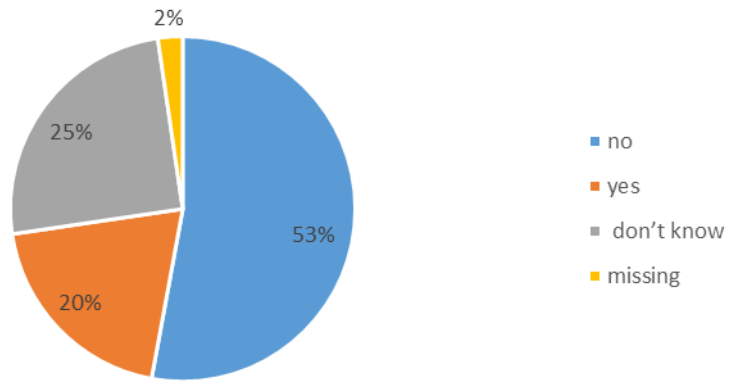
officials on how to do this. The military dictatorship has instilled mistrust and fear of the government, and this adds to the challenge of building trust with a community that will be relocated.

Results of this survey indicate that people living in the 2000-hectare area have not yet been adequately consulted, and that they have anxiety about the relocation. Over half of the households surveyed said no one explained to them why their land was chosen to be taken, and nearly 70 percent of households said that no one explained which laws were allowing the land confiscation to happen. Most people said they had not been given an opportunity to challenge the displacement.

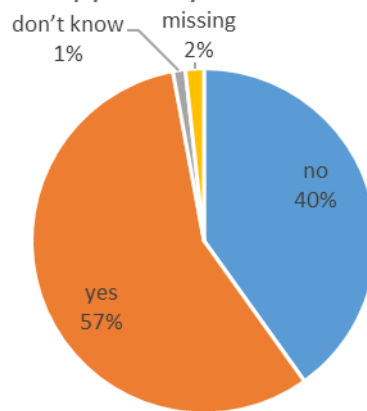
Over half (57 percent) said they were afraid of what would happen if they refused to move. Results from qualitative follow-up questions suggested that 63 percent of these people had anxiety about the move in general, citing livelihoods, their children’s education, and economic conditions as causes of fear. The other 37 percent cited fear of arrest by police or of having their houses bulldozed by the government if they did not move. Once proper consultation has occurred, people should not be moving out of fear of government reprisals, and they should be aware of and satisfied with the process for relocation and compensation. The government must address these people’s fears before it can appropriately relocate them.



### Were you given an opportunity to challenge the displacement?



### Did you ever feel threatened or afraid of what would happen if you refused move?



# Methods

Households in the 2000-hectare area targeted for relocation were grouped in five villages. In order to support quality control of a GPS mapping project of land owned by these households, we decided to sample 20 percent of households in each village. Community mapping projects identified 965 total houses in the five villages; the research plan was thus to sample 193 of them.

PHR recruited nine men and nine women from two community groups in Thilawa and one in Ayeyarwaddy division to work as data collectors. A PHR trainer, assistant, and two field research supervisors conducted a two-day training in Burmese that covered international human rights law, interviewing techniques, an in-depth review of the meaning of the survey questions, and the need for acquiring informed consent. The field research supervisors and the assistant accompanied the trainees to the field to oversee the data collection, help surveyors with problems, and check that surveyors were filling out forms correctly.

The data collection took place over five days. Households were selected at random by numbering all houses in a village and then selecting 20 percent of the houses in each village at random by writing numbers on a piece of paper, placing them inside a hat, and pulling the papers out of the hat. Surveyors approached each selected household, asked for informed consent, and, if given, began the interview. The interview took about one hour to complete.

The survey tool was based on surveys previously conducted by PHR in Thilawa and Paunglaung, Shan state. It consisted of 125 questions covering demographics, food security, access to water, clinics and schools, livelihoods, income, land ownership, and consultations conducted with villagers about the relocation process.

PHR researchers used question modules previously piloted by research universities and relief and development organizations. These tools are internationally recognized, and the results from this survey are comparable with assessments conducted in other locations in Myanmar. To assess food security, PHR used the household hunger scale (HHH) developed by Tufts University for the Food and Nutrition Technical Assistance program (FANTA) at the U.S. Agency for International Development (USAID), the Months of Adequate Household Food Provisioning (MAHFP) indicator also developed by Tufts, and dietary diversity, food security, and livelihoods modules from the Livelihoods and Food Security Trust Fund (LIFT) evaluation, a multi-donor-funded survey of two million people in Myanmar. PHR surveyors used the two-question Patient Healthcare Questionnaire (PHQ-2) to screen for depressive disorders.

PHR developed a set of mixed methods questions to collect data about the displacements and to determine if the process followed international standards. These questions were identical to questions PHR used in a 2014 survey in Thilawa with a different population that had already been displaced by the SEZ. PHR researchers used basic principles from UN guidelines on forced relocations, the *Guiding Principles and the Basic Principles and Guidelines*, such as:

- Dissemination of relevant information in advance, including land records and proposed comprehensive resettlement plans;
- Appropriate notice that eviction is being considered and that there will be public hearings;
- Holding of public hearings that provide affected persons and their advocates with opportunities to challenge the eviction decision and to present alternatives; and
- A transparent process of determining and awarding compensation.

This survey instrument was the result of 18 months' work researching impacts of land confiscation, including population surveys at Thilawa SEZ completed in 2014 and at Paunglaung dam in southern Shan state in 2015. During the 18-month project, PHR revised the questionnaire following extensive consultation with local groups and affected persons. The instrument was further modified for clarity during the training.

## Limitations

Due to security concerns, researchers skipped one village; thus, the results cannot be generalized to the 115 households located in that village. Other limitations include the possibility that some respondents, fearing reprisal from the government, were reluctant to report their concerns about the displacement process. It is also possible that households dissatisfied with the displacement may have minimized the challenges they faced prior to displacement and exaggerated those challenges after displacement in order to generate stronger advocacy messages. PHR attempted to minimize both of these biases in several ways. First, surveyors assured respondents that the survey was anonymous and that personal or household identifiers were not collected. Second, during their training, PHR stressed to surveyors the importance of accurately reporting data. Recall bias is also possible, especially for events that happened further in the past, such as conditions preceding displacement.

PHR's Ethics Review Board (ERB) approved this research. PHR has had an ERB since 1996 to ensure the protection of human subjects in its research and investigations. PHR's ERB regulations are based on Title 45 CRF Part 46 provisions, nine of which are used by academic Institutional Review Boards (IRBs). All of PHR's research and investigations involving human subjects must be approved by the ERB and conducted in accordance with the Declaration of Helsinki as revised in 2000.

## Conclusion

There is ample room for the government of Myanmar to improve its relocation policies – both from a procedural and from a substantive perspective. Given the demonstrated inadequacy of current policies and practices, and the extent to which development is driving relocations of entire communities, the Myanmar government should suspend all relocations until the parliament has adopted comprehensive land use policies, published them widely, and ensured that any government officials or other partners working on relocations are trained in the content of the policies and the proper procedures for their implementation.

Failure to put in place a strong land use and relocation policy threatens to turn the promise of economic development into a nightmare of forced evictions and impoverishment as a result of inadequate policies and practices that safeguard communities facing relocation that are consistent with international standards.



# Endnotes

<sup>1</sup> For background information on Thilawa SEZ, see:

Andrea Gittleman and Widney Brown, *A Foreseeable Disaster in Burma: Forced Displacement in the Thilawa SEZ*, Physicians for Human Rights, Nov. 2014, [https://s3.amazonaws.com/PHR\\_Reports/Burma-Thilawa-EnglishReport-Nov2014.pdf](https://s3.amazonaws.com/PHR_Reports/Burma-Thilawa-EnglishReport-Nov2014.pdf);

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<sup>15</sup> JICA Guidelines Ch 2.6 para 3- “JICA confirms that projects do not deviate significantly from the World Bank’s Safeguard Policies, and refers as a benchmark to the standards of international financial organizations; to internationally recognized standards, or international standards, treaties, and declarations, etc.; and to the good practices etc. of developed nations including Japan, when appropriate.”

<sup>16</sup> JICA Guidelines Appendix 1, Ch 7 para 4-“It is desirable that the resettlement action plan include elements laid out in the World Bank Safeguard Policy, OP 4.12, Annex A.”;

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<sup>26</sup> Basic Principles and Guidelines, §VI A ¶60.

<sup>27</sup> JICA Guidelines Appendix 1, § 7 ¶2 (“Host countries must make efforts to enable people affected by projects and to improve their standard of living, income opportunities, and production levels, or at least to restore these to pre-project levels. Measures to achieve this may include: providing land and monetary compensation for losses (to cover land and property losses), supporting means for an alternative sustainable livelihood, and providing the expenses necessary for the relocation and re-establishment of communities at resettlement sites.”)

<sup>28</sup> ADB SPS Appendix 2, §D 1) ¶10 (“The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, **(iv) transitional and restoration costs;** and **(v) other applicable payments,** if any.”)

<sup>29</sup> See WB OP 4.12 ¶ 11 (“Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based.”); ADB SPS Appendix 2, ¶ 9 (“Preference will be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based.”)

<sup>30</sup> WB OP 4.12, Annex A, ¶11.

<sup>31</sup> JICA Guidelines Appendix 1, § 3 ¶1.

<sup>32</sup> World Bank Safeguard Policy, OP 4.12, Annex A, ¶6(b) i).

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<sup>39</sup> ADB SPS Appendix 2, §D 1) ¶11.

<sup>40</sup> Basic Guidelines and Principles, § III ¶37 (it should include “(a) appropriate notice to all potentially affected persons that eviction is being considered and that there will be public hearings on the proposed plans and alternatives; (b) effective dissemination by the authorities of relevant information in advance, including land records and proposed comprehensive resettlement plans specifically addressing efforts to protect vulnerable groups; (c) a reasonable time period for public review of, comment on, and/or objection to the proposed plan; (d) opportunities and efforts to facilitate the provision of legal, technical and other advice to affected persons about their rights and options; and (e)

holding of public hearing(s) that provide(s) affected persons and their advocates with opportunities to challenge the eviction decision and/or to present alternative proposals and to articulate their demands and development priorities.”)

<sup>41</sup> JICA Guidelines Appendix 1, § 7 ¶4.

<sup>42</sup> JICA Guidelines Appendix 1, § 7 ¶4.

<sup>43</sup> World Bank Safeguard Policy, OP 4.12, Annex A, ¶11 and 15; ADB SPS Appendix 2, §D 3) ¶18.